

speech and association related to the making of campaign contributions. *See* n. 747, *infra*.

Nevertheless, we also were confident that if the requisite proof demonstrated that contributions in this case were in fact payments pursuant to an illegal scheme, such as a violation of the federal bribery statute, a prosecution under that statute would neither chill nor burden the exercise of these constitutional rights.

As we conducted the investigation, we were mindful of the fact that in a pluralistic society and representative democracy career civil servants as well as politically-appointed decision- makers in executive branch departments are subject to a wide range of pressures – from Congress, special and public interest groups, interested or affected parties and from within the Administration itself. Such pressures ordinarily are healthy devices for keeping the bureaucracy accountable to the public it is supposed to serve. Administrative procedures and rules take into account the need for orderly and balanced consideration of appropriate political pressure.

In the midst of such pressures, civil servants must make decisions in individual administrative matters according to their perceptions of the public interest and the requirements of law. Statutes enacted by Congress and rules made by agencies define the law, but the determination of the public interest is a subjective and uncertain process, informed by, among other things, departmental precedent and priorities and broader Administration policy considerations. The public may expect career civil servants to be politically neutral and detached professionals, but these officials do not make decisions or determine the public interest in a perfect political vacuum – and many would say they should not. Our government layers political

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(...continued)

redress of grievance’ guaranteed by the First Amendment of the United States Constitution.”) (quoting *United States v. Harriss*, 347 U.S. 612, 625 (1954)).